

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Sheida Hukman,
4 Plaintiff
5 v.
6 Ed's Stations, Inc.,
7 Defendant

Case No.: 2:24-cv-01738-JAD-EJY

**Order Denying Defendant's Motion for
Attorney's Fees and Plaintiff's Motions for
Clarification and Reconsideration**

[ECF Nos. 24, 32, 32-1]

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9 Soon after I dismissed Sheida Hukman's employment-discrimination suit against Ed's
10 Stations, Inc. with prejudice, Ed's Stations moved for attorney's fees.¹ It argues that Hukman
11 should be ordered to pay \$20,757.50 plus interest because her suit was "meritless from the
12 outset."² Hukman opposes that motion and asks this court to reconsider its dismissal of her suit
13 under Federal Rule of Civil Procedure 59(e).³ She also moves for "clarification" concerning a
14 minute order that extended the deadline for her to respond to Ed's Stations' motion for attorney's
15 fees.⁴ Because Ed's Stations hasn't established the exceptional circumstances required to justify
16 ordering a pro se civil-rights plaintiff to pay attorney's fees, its motion is denied. And because
17 Hukman missed Rule 59(e)'s non-extendable 28-day deadline, her motion for reconsideration
18 and accompanying motion for clarification are also denied.

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22 ¹ ECF No. 24.

23 ² *Id.* at 5.

³ ECF Nos. 30, 32-1.

⁴ ECF No. 32.

1 **A. Ed's Stations' motion for attorney's fees is denied.**

2 Ed's Stations moves for an award of attorney's fees under Federal Rule of Civil
3 Procedure (FRCP) 54, arguing that Hukman's choice to pursue this suit despite failing to timely
4 exhaust her available administrative remedies justifies such an award under Title VII.⁵ Hukman
5 insists that awarding attorney's fees to Ed's Stations would be improper because she brought her
6 claim in good faith.⁶ But while bad faith certainly helps justify awarding fees, it isn't required.⁷

7 Courts have discretion to award reasonable attorney's fees to prevailing parties in Title
8 VII cases.⁸ But a defendant can "recover fees and costs from a plaintiff in a civil rights case only
9 'in exceptional circumstances' in which the plaintiff's claims are 'frivolous, unreasonable[,] or
10 without foundation.'"⁹ This standard is a strict one due to "the need to avoid undercutting
11 Congress' policy of promoting vigorous prosecution of civil rights violations under Title VII and
12 § 1983."¹⁰ And it "is applied with particular strictness in cases where the plaintiff proceeds pro
13 se."¹¹

14 *Miller v. Los Angeles County Board of Education* is instructive. In that case, the Ninth
15 Circuit reviewed a district court's decision to award a defendant attorney's fees because the pro
16 se plaintiff "knew or should have known that his case was without foundation."¹² The panel

18 ⁵ ECF No. 24.

19 ⁶ ECF No. 30 at 14.

20 ⁷ See *Christianburg Garment Co. v. Equal Emp. Opportunity Comm'n*, 434 U.S. 412, 419, 422 (1978).

21 ⁸ 42 U.S.C. § 2000e-5(k).

22 ⁹ *Harris v. Maricopa Cnty. Superior Ct.*, 631 F.3d 963, 968 (9th Cir. 2011).

23 ¹⁰ *Miller v. L.A. Cnty. Bd. of Educ.*, 827 F.2d 617, 619 (9th Cir. 1987).

¹¹ *Id.* at 620.

¹² *Id.* at 619.

1 found that a lower court had erred by failing to consider the plaintiff's pro se status in its
2 decision to award attorney's fees.¹³ It reasoned that pro se plaintiffs "cannot simply be assumed
3 to have the same ability as a plaintiff represented by counsel to recognize the objective merit (or
4 lack of merit) of a claim."¹⁴ But it also noted that awarding fees would be "entirely appropriate"
5 if a pro se plaintiff repeatedly attempted to bring a claim that was "previously found to be
6 frivolous."¹⁵

7 The exceptional circumstances necessary to justify shifting Ed's Stations' attorney-fees
8 bill to Hukman, a pro se plaintiff, are not present. Ed's Stations tries to diminish Hukman's pro
9 se status by asserting that she's litigious enough to be familiar with the requirements to bring a
10 successful employment-discrimination suit.¹⁶ But applying the particularly strict standard for
11 pro se plaintiffs, Hukman did not necessarily understand that her claims against Ed's Stations
12 were time-barred by an EEOC filing deadline and a Nevada statute of limitations. Having some
13 past litigation experience does not mean that Hukman had the same ability to understand these
14 requirements as a counseled plaintiff. So I deny Ed's Stations' motion for attorney's fees.

15 **B. Hukman's motions for reconsideration and clarification also fail.**

16 Hukman moves for reconsideration under FRCP 59(e) and submits 400 pages of exhibits,
17 ostensibly to support that motion.¹⁷ She also submits a "motion for clarification," in which she
18 argues that I should entertain her motion for reconsideration even though it was filed after the
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21 ¹³ *Id.* at 620.

22 ¹⁴ *Id.*

23 ¹⁵ *Id.*

¹⁶ ECF No. 24 at 5–6.

¹⁷ ECF Nos. 32-1, 33.

1 January 30, 2025, deadline for her to respond to the motion for attorney’s fees.¹⁸ Ed’s Stations
2 responds that her motions fail for myriad reasons, not least of which is that Hukman filed them
3 almost a month after the extended deadline set by this court had already passed.¹⁹ Both parties’
4 focus on the January 30, 2025, deadline set by a minute order is misguided. That minute order
5 instructed Hukman to file her response to Ed’s Stations’ motion for attorney’s fees by that date;²⁰
6 it had nothing to do with a motion for reconsideration.

7 But Hukman moves for reconsideration under Rule 59(e), and motions brought under that
8 rule must be filed no more than 28 days after judgment is entered.²¹ I dismissed Hukman’s suit
9 on December 2, 2024, and Hukman didn’t file her motion for reconsideration until February 23,
10 2025—well after the rule’s 28-day limitation had passed. FRCP 6(b)(2) lists Rule 59(e) as one
11 of the rules under which courts “must not extend the time to act.”²² As the United States
12 Supreme Court has stated, there is “no possibility of an extension.”²³ So applying this
13 immutable deadline, I deny Hukman’s motion for reconsideration and the accompanying motion
14 for clarification.

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20 ¹⁸ ECF No. 32.

21 ¹⁹ ECF No. 34.

22 ²⁰ See ECF No. 28.

23 ²¹ Fed. R. Civ. P. 59(e) (“A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.”).

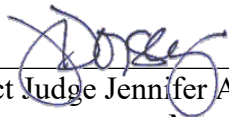
²² Fed. R. Civ. P. 6(b)(2).

²³ *Banister v. Davis*, 590 U.S. 504, 507–08 (2020).

Conclusion

IT IS THEREFORE ORDERED that defendant Ed's Stations' motion for attorney's fees [ECF No. 24] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff Sheida Hukman's motions for clarification and reconsideration [ECF Nos. 32, 32-1] are **DENIED**.



U.S. District Judge Jennifer A. Dorsey
May 14, 2025